

FILED  
DEC 01 2010

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

TNW FIREARMS, INC., et al.,

Plaintiffs,

CV 10-1245 AC

v.

ORDER APPOINTING PRO BONO  
COUNSEL FOR LIMITED  
PURPOSE

TACTICAL MANUFACTURING, INC.,

Defendant.

The Court hereby grants that portion of defendant's motion(#7) that requests appointment of pro bono counsel, and herein appoints Brantley Shumaker as the contact attorney for the law firm of Kolisch Hartwell PC, as counsel for defendant. The appointment shall be pursuant to the Court's Pro Bono Representation Program, and is for the limited purpose of reviewing and investigating defendant's defenses / claims.

The appointed attorney / law firm has 12 days to determine if it has a conflict of interest. If it has a conflict of interest, then it must mark the appropriate box on the attached Response to Order form and file it with the Court within 12 days after the filing date of this Order. This appointment of counsel will then terminate, and the Court will appoint substitute counsel.


If the appointed attorney / law firm has no conflict of interest, then within 42 days after the filing date of this Order, it shall review the court file, contact defendant, and, as appropriate, obtain and review available discovery materials and interview key witnesses. Upon completing this review and investigation, the appointed attorney / law firm shall mark the appropriate boxes

on the attached Response to Order form certifying completion of the review and investigation and indicating whether it accepts or declines further representation of defendant. The court expects that representation will be accepted if defendant has a factual and legal basis to prevail on any claim. The appointed attorney / law firm shall either file the completed Response to Order form with the Court within 42 days after the filing date of this Order, or file a Motion for Extension of Time requesting and justifying the additional time needed to complete the review and investigation.

If the appointed attorney / law firm declines further representation of defendant, then it must provide defendant with a written explanation for declining representation. This appointment of counsel will terminate, and defendant will proceed *pro se* without appointed counsel.

The appointed attorney / law firm is entitled to be reimbursed by the Attorney Admission Fund for costs incurred to investigate defendant's defenses and claim(s) up to \$3,000.00. Reimbursable costs include copying costs, deposition costs or transcripts, travel expenses, telephone charges, electronic legal research and other costs which are not otherwise recoverable from the opposing party. To obtain reimbursement, a Motion for Reimbursement of Out-Of-Pocket Expenses must be electronically filed, together with copies of all receipts for expenditures.

DATED this 1st day of December, 2010.

  
\_\_\_\_\_  
John V. Acosta  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

TNW FIREARMS, INC., et al,

Plaintiffs,

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RESPONSE TO ORDER  
APPOINTING PRO BONO  
COUNSEL

TACTICAL MANUFACTURING, INC.,

Defendant.

In response to the Court's Order Appointing Pro Bono Counsel, the appointed attorney / law firm certifies that:

- ☐ Due to a conflict of interest, termination of the appointment is requested.
- ☐ After conducting a review and appropriate investigation of the defendant's defenses / claims, further representation of the defendant is declined. A written explanation has been provided to the defendant.
- ☐ After conducting a review and appropriate investigation of the defendant's defenses / claims, further representation of the defendant is accepted. If appropriate, a Substitution of Attorney will be filed to designate the responsible attorney continuing as counsel of record.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of signator]